

RDMD/Planning and Development Services

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DATE: September 9, 2004

TO: Orange County Zoning Administrator

FROM: RDMD/PDS/Current and Advance Planning Services

SUBJECT: Public Hearing on Planning Application PA04-0058 for Variance

PROPOSAL: The applicant requests approval of a Variance to the front yard setback standard to allow an existing side entry garage to be converted into a front entry garage that creates a new setback of 18.5 feet from the front property line when the zoning standard for this site requires a front setback of 20 feet.

LOCATION: The property is located in the community of Rossmoor, west of Seal Beach Blvd and just south of Saint Cloud Drive at 3361 Druid Lane. Second Supervisorial District.

APPLICANT: Brian and Erika White, property owners
Michael Margerum, architect/agent

STAFF William V. Melton, Project Manager
CONTACT: Phone: (714) 834-2541 FAX: (714) 834-3522

SYNOPSIS: PDS/Current and Advance Planning Services recommends Zoning Administrator approval of PA04-0058 for Variance subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is located in the community of Rossmoor, an unincorporated residential community between the cities of Los Alamitos and Seal Beach; and the 605 freeway. The subject site is a typical interior lot measuring 70 feet wide by 110 feet deep and developed with a one-story single-family dwelling (built in the late 1950s). This lot is typical of interior lots with side entry garages in this area of Rossmoor. The back of sidewalk is usually the front property line, however, the applicant's site plan indicates that there is a space of approximately 6 inches between the property line and the edge of the sidewalk.

This site was developed under the original standard R1 residential zoning and Variance V3311, a tract wide variance approved in August 1958 that permitted variances to front, rear and side setbacks; and to locations of detached garages. Many model types were built with side entry garages with front setbacks between 15 and 19 feet. Model types constructed with front entry garages were generally approved with setbacks of 18 feet or greater. The applicant's property was approved with a side entry garage, with a front yard setback of 18.5 feet to the side of the garage. It appears that the garage was constructed with a setback similar to that approved under the variance.

The property is zoned R1 “Single-Family Residence”, which has a normal front yard setback requirement of 20 feet from the front property line. The side of the existing garage is setback 19.7 feet from the front property line. The garage modification is proposed to have a front setback of 18.5 feet from the front property line (the same setback approved under Variance V3311). The garage door is proposed to be setback 19.7 feet from the back of the sidewalk, which does conform to the driveway length standard of 18 feet (if equipped with roll-up doors). While the existing dwelling was constructed with a tract wide variance permitting a front setback of 18.5 feet, Zoning Code Section 7-9-151 “Nonconforming Uses and Structures” requires all new additions to conform to the current setback standards or as approved by a new variance request.

SURROUNDING LAND USE:

Direction	Zoning	Existing Land Use
Project Site	R1 “Single-Family Residence”	Single-family dwelling
North	R1 “Single-Family Residence” City of Seal Beach (across St. Cloud)	Single-family dwelling Shopping center
South	R1 “Single-Family Residence”	Single-family dwelling
East	R1 “Single-Family Residence”	Single-family dwelling
West	R1 “Single-Family Residence”	Single-family dwelling



REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to four County Divisions and the Rossmoor Homeowners Association. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions. The Rossmoor Homeowners Association submitted comments recommending project approval.

CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 5, minor alterations in land use limitations such as setback variance) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

Common variance requests throughout Rossmoor include the conversion of a side entry garage to a front entry garage and an addition to the rear of dwelling attaching the dwelling to an existing detached garage (detached garages are most common on corner lots). The two most recent variance approvals for side entry to front entry garages were under PA04-0003 (11231 Davenport Road, approved in April 8, 2004) and PA04-0036 (3311 Oak Knoll Drive, approved June 10, 2004). The proposals were approved for both a front yard structure setback variance and a variance to the standard driveway length from 18 feet to 17 feet. The applicant's proposal requires a structure setback from the front property line but does not require a variance for driveway length.

Seeing that precedence has been established for the relocation of driveways from side entry to front entry, and that the current proposal conforms to the standard driveway length, staff is of the opinion that the Zoning Administrator can approve the variance proposal. However, before this variance request can be approved, the Zoning Administrator, in accordance with State and County planning laws, must be able to make the following variance findings listed below. If the Zoning Administrator cannot make these findings, the application must be disapproved.

1. There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations.
2. Approval of the application will not constitute a grant of special privileges, which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations when the specified conditions are complied with.

Staff is of opinion that the Zoning Administrator is able to make these two special variance findings. The special circumstances for approving the variance requested for this proposal is in Finding No. 7 of Appendix A. Staff makes a recommendation as follows.

RECOMMENDED ACTION:

PDS/Current and Advance Planning Services recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA04-0058 for Variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

William V. Melton, Project Manager
CAPS/Site Planning Section

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APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. Site photos
3. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the RDMD/Planning and Development Services.